

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed February 5, 2004. In the Office Action, claims 2, 7-8, 12-15, 17, 19-20, 22, 26, 28 and 30 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form. Moreover, the specification and claim 14 have been objected to based on alleged informalities. Claims 1, 3-5, 23-25 and 27 have been rejected under 35 U.S.C. § 102(e) while claims 6, 9-11, 16, 18, 21 and 29 have been rejected under 35 U.S.C. § 103(a). Due to the length of the Office Action, Applicants shall address the objections and rejections using the same paragraph numbering set forth in the Office Action.

Specification

3. The undersigned attorney has reviewed the specification and respectfully requests the Examiner to enter the proposed amendments to the specification set forth above.

4. The undersigned attorney has found no recitations in the specification of copending applications and attorney docket numbers. Applicants respectfully request the Examiner to withdraw the request or to advise us where such recitations can be found.

5. The undersigned attorney has revised the title to read "A System, Apparatus and Method for Prioritizing Instructions and Eliminating Useless Instructions." This information was obtained from the first paragraph of the Detailed Description section. Applicants respectfully request acceptance of the title change and withdrawal of the rejection.

6-7. The undersigned attorney has revised the Abstract in accordance with the request by the Examiner. Withdrawal of the objection of the Abstract is respectfully requested.

8. The Office Action objects to the disclosure because it lacks a summary section and requires that Applicants add such a section. However, the undersigned attorney respectfully points out that neither the Manual of Patent Examining Procedure (MPEP) nor 37 C.F.R. §1.73 requires the presence of a "Summary of the Invention" section in a patent application. They merely indicate where in the application the "Summary of the Invention" section should be placed if Applicants were to elect to include one. In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention ... should precede the detailed description." 37 CFR § 1.73 does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" section as this is within the discretion of the Applicant. Withdrawal of the objection to the disclosure is respectfully requested.

Claim Objections

Claims 2, 7-8, 12-15, 17, 19-20, 22, 26, 28 and 30 have been objected, but would be allowable if rewritten into independent form. In response, claims 2, 7-8, 12, 13, 15 and 17 have been placed into independent format to include certain limitations from the base claims. More specifically, claims 2, 7, 8, 12, 13, 15, 17, 19, 28 and 30 have been placed into independent form and include limitations of prior pending claims 1, 1, 1, 9, 9&11, 9, 9, 18, 23 and 23, respectively.

Claim 23 has been amended to include limitations of objected claim 26 and claims 3, 10, 11, and 16 have been amended to alter dependency. Claims 19-22 have been amended to claim the processor since it was the only element cited in the prior system claim.

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the outstanding objection. Moreover, withdrawal of the outstanding §§ 102 & 103 rejections is warranted because these rejections are now moot based on the amendments to the claims.

Conclusion

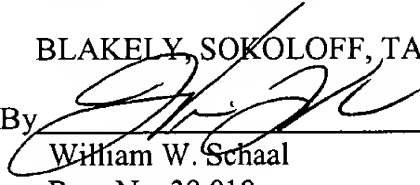
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 5/5/2004

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5/5/2004

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